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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,507	12/19/2001	Peter Kessler	1920	6476
7590 04/14/2004			EXAMINER	
STRIKER, STRIKER & STENBY 103 East Neck Road Huntington, NY 11743			COMPTON, ERIC B	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,507	Applicant(s) KESSLER, PETER	
	Examiner Eric B. Compton	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims, 1-4 in the response, dated February 26, 2004, is acknowledged. Applicant subsequently canceled claims 5-9 related to a non-elected invention.

Claim Objections

2. Claim 1 is objected to because of the following informalities: an --and-- should be inserted before the last method step. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Pat. 4,264,998 to Stratton.

Regarding claim 1, Stratton discloses a method for producing wiper arms (10) for a motor vehicle, comprising the steps:

producing at least one element (see Figure 2) with a punch-bending process ;

punching out from the at least one element at least two alternating-side oppositely located parts (see Col. 2, lines 66-67);

punching at least at one side of one of said two parts a tongue (between edges 59, 52 in Fig. 2) projecting outwardly beyond a base contour of said one part; and

punching in the neighboring other of said parts a corresponding recess (between edges 49 and 59 in Fig. 2), so that a predetermined minimum distance between said two parts is not exceeded. "It should be apparent that material waste is minimized along the edges of the material sheet adjacent the axial ends of the flexor." Col. 5, lines 6-8.

Regarding claim 2, in Stratton, the recess is provided with a surface that is equal to that of the tongue.

Regarding claim 4, in Stratton, the recess and tongue are formed along a common line. Therefore, the punching distance is at a bare minimum between adjacent parts.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stratton in view of U.S. Pat. 4,793,020 to Stratton et al ("Stratton '020") in view of DE 19807845 ("DE '845").

Stratton '020 discloses a wiper arm punched from a strip. See Figures 7-8. In Figure 8, esp. the elements are provided with a tongue (no ref.) and adjacent elements are provided with corresponding recess (no ref.). In both Figures 7-8, the neighboring strips are provided in close proximity. Different shapes and configurations are suggested by the reference for a particular design of wiper arm. See Col. 4, lines 53-55; *Compare* Figures 7-8. In Figure 8, the surface of the recess differs from that of the tongue.

However, the reference does not disclose that the two neighboring elements are alternating-side oppositely located. The design of the wiper arms is such that this layout saves material.

DE '845 discloses a method for forming wiper arms. Neighboring elements alternating-side oppositely located to increase packing density and save material.

Regarding claim 1 it would have been obvious to one having ordinary skill in the art at the time the invention was made to alternating-side oppositely located the elements of Stratton '020, in light of the teachings of DE '845, in order to minimize waste.

Regarding claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the recess of Stratton with a surface, which is greater than that of the tongue, in light of the teachings of Stratton '020/DE '845, in order to form a wiper arm having a tongue and recess having different dimensions, as needed for the particular design of the wiper arm.

Prior Art References

The prior art references listed on the enclosed PTO-892, but not used in a rejection of the claims, are cited for their teachings of forming wiper arms.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton
Patent Examiner
A/U 3726